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*Attorneys for Defendant
BMW of North America, LLC*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARTEM V. GELIS, BHAWAR PATEL,
ROBERT MCDONALD, JAMES V. OLSON,
GREGORY HEYMAN, SUSAN HEYMAN,
DEBRA P. WARD, DARRIAN STOVALL,
ALEX MARTINEZ, AMANDA GOREY,
CHRIS WILLIAMS, ASHOK PATEL,
KENNETH GAGNON, MICHAEL CERNY,
ERHAN ARAT, ANDRE MALSKE, CRAIG
LASH, NICOLE GUY, DAVID
RICHARDSON, KAREN HENDERSON and
ERIC T. ZINN, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT and BMW OF
NORTH AMERICA, LLC,

Defendants.

Case No. 2:17-cv-7386-WHW-CLW

DEFENDANT BMW OF NORTH AMERICA, LLC'S
NOTICE OF MOTION TO DISMISS
PLAINTIFFS' CONSOLIDATED AMENDED
CLASS ACTION COMPLAINT

To: Gary S. Graifman
Jay I. Brody
KANTROWITZ GOLDHAMER & GRAIFMAN, P.C.
210 Summit Avenue
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Bruce H. Nagel
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Thomas P. Sobran (*pro hac vice*)
THOMAS P. SOBRAN, P.C.
7 Evergreen Lane
Higgman, MA 02043

Attorneys for Plaintiffs

Counsel:

PLEASE TAKE NOTICE THAT on July 2, 2018 at 9:00 a.m. or as soon thereafter as counsel may be heard, Defendant BMW of North America, LLC (“BMW NA”) will move before the Honorable William H. Walls, U.S.D.J., of the United States District Court for the District of New Jersey, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiffs’ Class Action Complaint.

PLEASE TAKE FURTHER NOTICE that in support of this motion BMW NA relies upon the Brief and Declaration submitted and filed herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is requested if opposition is filed.

PLEASE TAKE FURTHER NOTICE that this motion will be decided on the papers unless otherwise notified by the Court.

A proposed form of Order accompanies this motion.

/s/ Christopher J. Dalton

Christopher J. Dalton, Esq.
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550 Broad Street, Suite 810
Newark, NJ 07102

Attorneys for Defendant
BMW of North America, LLC

Dated: April 16, 2018

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I caused a true and correct copy of the foregoing Notice of Motion, Brief in Support of Motion, Declaration in Support of Motion, and proposed form of Order on behalf of Defendant BMW of North America, LLC to be served electronically via the Court's CM/ECF system upon all counsel of record:

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Attorneys for Plaintiffs

/s/ Christopher J. Dalton
Christopher J. Dalton

Dated: April 16, 2018
Newark, New Jersey